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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,866	09/25/2003	David W. Beckstrom	F-677	5796

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Pitney Bowes Inc.
Intellectual Property and
Technology Law Department
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Shelton, CT 06484

EXAMINER

PURVIS, SUE A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,866

Applicant(s)

BECKSTROM, DAVID W.

Examiner

Sue A. Purvis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23 is/are allowed.
- 6) ☒ Claim(s) 2-5, 10-17 is/are rejected.
- 7) ☒ Claim(s) 6-9, 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 2-7 is withdrawn in view of the reference Arnold (US Patent No. 2,015,507), which was looked at by the examiner before, but the rejection was not made by mistake. Rejections based on the newly cited references follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-5, 14, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold et al. (US Patent No. 2,015,507).

Regarding claims 2 and 15, Arnold discloses an envelope sealing machine including a glue box or reservoir (43) for holding a fluid, a drum or applicator (38) mounted above the reservoir, and a ribbed periphery of the applicator which is a fluid transfer member (39), a portion of which being submerged in the fluid. The ribs can be defined as a plurality of pairs as set forth in claim 2. (See Figure 3; Page 2, column 1, lines 39-75 and column 2, lines 1-31.)

Regarding claims 3 and 4, the ribs in Arnold are annular around a cylindrical hub.

Regarding claim 5, the ends of the ribs effectively terminate at a "knife edge."

Regarding claim 14, the belts seen clearly in Figure 2 define the transport path.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold as applied to claims 2 and 15 above, and further in view of O'Dea et al. (US Patent No. 5,007,371)

Arnold does not detail the drive means for the rotational transfer member and does not disclose a control means connected to the drive means for determining a rotational rate. Arnold does not suggest changing the speed of the drive roller to vary the quantity of water delivered.

O'Dea suggests controlling the liquid supply using a control mechanism, such as microcomputer (205).

Regarding claims 10 and 16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a control means, such as a computer, to control the liquid supply, thus controlling the drive roller of the transfer member in Arnold, because as shown in O'Dea, such control schemes are known to be used in devices for moistening envelopes. Furthermore, controlling is known to be advantageous because it minimizes waste by applying a sufficient amount of liquid, but not too much.

Regarding claim 11, the device of Arnold in view of O'Dea is capable of basing the rotation of the transfer member and thus the liquid supply on either the rate the envelopes are fed or the size of the envelope, because the control system of O'Dea monitors both of those items.

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Regarding claims 12 and 17, O'Dea includes a flap profile sensor which is environmental condition, because the profile of the envelope will change based on the size and shape of the envelope fed and the sensor is capable of being used by the control means in Arnold in view of O'Dea.

Regarding claim 13, the flap sensor measures the area of the flap to be moistened and is thus also capable as acting as a means for detecting the length of an envelope, which varies based on the flap and the moistening are.

Allowable Subject Matter

6. Claims 6-9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 19-23 are allowed.
8. The following is an examiner's statement of reasons for allowance:
 - a. Regarding claim 6, there is no reason or suggestion for having the raised ribs in Arnold which are the fluid transfer member and equivalent to applicant's fins be of varying diameters as required by the claim.
 - b. Prior art fails to a fluid transfer member as detailed in claims 7-9 and 18 where the rotating member with vertical surfaces also includes a brush. There is no reason or suggestion for modifying Arnold to include a brush as required by the claim.
 - c. Regarding claims 19-23, prior art fails to teach or suggest the device of claim 19 which includes details of the fluid transfer member, in particular the rotating member used in combination with a pivotal brush as set out in the claim.

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Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
April 16, 2005